

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|             |   |             |                |
|-------------|---|-------------|----------------|
| Inventor:   | James K. Vanderveen   | Art Unit:   | 2644           |
| Serial No.: | 09/814227   | Examiner:   | Laura A. Grier |
| Filed:      | March 21, 2001  | Docket No.: | 2000P09010US01 |
| Title:      | MOUNTING ASSEMBLY<br>FOR ACTIVE NOISE<br>ATTENUATION SYSTEM |             |                |

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Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Sir:

This petition is in response to the Notice of Abandonment mailed May 5, 2006. The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for the reply in the Office notice or action plus extensions of time actually obtained. **As will be described below, it is believed that the application has become abandoned due to a USPTO error.**

**APPLICANTS HEREBY PETITION FOR REVIVAL OF THIS APPLICATION**

A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

- ☐ Small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
- ☒ Other than small entity – fee \$ 1500.00 (37 CFR 1.17(m)).
- ☒ Please charge my Deposit Account No. 19-2179 in the amount of \$1500.00.
- ☒ The Commissioner is authorized to deduct any underpayment from Deposit Account No. 19-2179. A duplicate of this letter is enclosed.

2. Reply and/or fees:

- A. The reply and/or fee to the above-noted Office action in the form of \_\_\_\_\_ (identify type of reply):
- ☐ has been filed previously on \_\_\_\_\_.
- ☐ is enclosed herewith.

- B. The issue and publication fees total of \$1,700.00

☒ **Applicant respectfully petitions to take note that the Notice of Allowance and Fee Due dated December 21, 2005 was never received by Siemens. A search of our docket records indicates that the Office Communication was not received by Siemens. Attached is the following:**

☒ **A copy of the Siemens docket record where the nonreceived Office communication would have been entered had it been received. The missing docket record would have been between docket nos. 2001P87048WOUS due on June 14, 2006 and 2001P17894US01 due on July 4, 2006.**

**It is believed that the application is abandoned due to a USPTO error. Therefore it is respectfully requested that the petition fee be refunded.**

☐ is enclosed herewith.

- ☒ Please charge my Deposit Account No. 19-2179 in the amount of \$ 1,700.00
- ☒ The Commissioner is authorized to deduct any underpayment from Deposit Account No. 19-2179. A duplicate of this letter is enclosed.

3. Terminal disclaimer with disclaimer fee:

- ☒ [X] Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ [ ] A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith.
- ☐ [ ] Please charge my Deposit Account No. 19-2179 in the amount of \_\_\_\_\_.
- ☒ [X] The Commissioner is authorized to deduct any underpayment from Deposit Account No. 19-2179. A duplicate of this letter is enclosed.

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137 (b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c)(III)(C) and (D))].

5. Fees: The Commissioner is hereby authorized to charge the above indicated fees and any additional fees that may be required to Deposit Account No. 19-2179. A duplicate of this paper is attached.

Respectfully submitted,



Pasquale Musacchio

Registration No. 36,876

Dated: JUNE 30, 2006

- Enclosures: ☒ [X] Copy of Issue Fee Payment: PART B – FEE(S) TRANSMITTAL
- ☐ [ ] Reply
- ☐ [ ] Terminal Disclaimer Form
- ☐ [ ] Additional sheets containing statements establishing unintentional delay
- ☒ [X] COPY OF SIEMENS DOCKET RECORD

Please direct all correspondence to:  
Customer No. 028524  
Siemens Corporation

Number of results: 7

The following search String has been entered:

time limits selection: both

PIV of the file: with pcm

further time limits: US-ALL3

DUE DATE FOR 2000P09010 US01  
(S/N 09/814227) WOULD HAVE  
BEEN LISTED HERE

Refresh

DUE DATE: JUNE 21, 2006

Selection for updated display:

| Date of Deadline<br>▲▼ | Internal File Number<br>▲▼ | <input checked="" type="checkbox"/> further time limits<br>▲▼ | <input checked="" type="checkbox"/> Text of Notice/ Trigger date/ Commentary<br>▲▼ | <input checked="" type="checkbox"/> Additional information from file<br>▲▼ | <input checked="" type="checkbox"/> Checked/ Change | <input checked="" type="checkbox"/> Cost Center<br>▲▼ | <input checked="" type="checkbox"/> Inventor<br>▲▼     | <input checked="" type="checkbox"/> Title<br>▲▼  |
|------------------------|----------------------------|---|--|--|---|---|--|--|
| 04.05.2006             | 2005P12713 US              | US-ALL3   | US - Allowance - Issue Fee Due - Final Date / 02.07.2006 /                         |  |   | S-US 5002   | Harshman James P., Hunniford David J., Morano David L. | METHODS AND APPARATUS FOR REDUCING NITRATE DEMANDS IN THE REDUCTION OF DISSOLVED AND/OR ATMOSPHERIC SULFIDES IN WASTEWATER |
| 04.12.2006             | 2002P13157 US01            | US-ALL3   | US - Allowance - Issue Fee Due - Final Date / 01.20.2006 /                         |  |   | S-US 7802   | Negrut Vlad, Vanderveen James Kenneth                  | Air Cleaner, Valve Cover and Intake Manifold Assembly  |
| 06.14.2006             | 2001P87048WOUS             | US-ALL3   | US - Allowance - Issue Fee Due - Final Date / 03.22.2006 /                         |  |   | S-US 5050   | Muller Joachim, Mullette Daniel                        | Membrane Polymer Compositions  |
| 07.04.2006             | 2001P17894 US01            | US-ALL3   | US - Allowance - Issue Fee Due - Final Date / 04.10.2006 /                         |  |   | S-US 7802   | Cole Roderic, Letourneau Mark, Pettipiece Jason Lorne  | Induction System With Low Pass Filter For Turbo Charger Applications   |
| 07.06.2006             | 2005P04734 US              | US-ALL3   | US - Allowance - Issue Fee Due - Final Date / 04.11.2006 /                         |  |   | S-US 7802   | Lee Ki-Ho, Vanderveen James Kenneth                    | Intake manifold having integrated features   |
| 08.02.2006             | 2003P86281 US              | US-ALL3   | US - Allowance - Issue Fee Due - Final Date / 06.05.2006 /                         |  |   | S-US 5045   | Graham James R.  | ACTIVATED CARBON FOR ODOR CONTROL AND METHOD FOR MAKING SAME   |
| 09.12.2006             | 2002P07889 US01            | US-ALL3   | US - Allowance - Issue Fee Due - Final   |  |   | S-US 7802   | Daly Paul Desmond                                      | Active Noise Control For Vehicle Door  |

|  |  | FILE | Date /       |  |  | FILE | LOCATION | Noise |
|--|--|------|--------------|--|--|------|----------|-------|
|  |  |      | 06.15.2006 / |  |  |      |          |       |

|                                     |          |  |                        |             |
|-------------------------------------|----------|--|------------------------|-------------|
| <input type="checkbox"/>            | TCCLAIM4 | (with reference to 96(2) EPC)                                      | Application            | To Do       |
| <input type="checkbox"/>            | TESTBCH  | TESTBCH  | Official Deadlines     | time limits |
| <input type="checkbox"/>            | TRANRET  | Translation received   | Subsequent Application | To Do       |
| <input type="checkbox"/>            | US-2OA2  | US - 2 months Office Action 2 mos.                                 | Official Deadlines     | time limits |
| <input type="checkbox"/>            | US-2OA3  | US - 2 months Office Action 2 mos. + 1 mo.ext.                     | Official Deadlines     | time limits |
| <input type="checkbox"/>            | US-2OA4  | US - 2 months Office Action 2 mos. + 2 mo.ext.                     | Official Deadlines     | time limits |
| <input type="checkbox"/>            | US-2OA5  | US - 2 months Office Action 2 mos. + 3 mo.ext.                     | Official Deadlines     | time limits |
| <input type="checkbox"/>            | US-2OA6  | US - 2 months Office Action 2 mos. + 4 mo.ext. - 6 mos. Final Date | Official Deadlines     | time limits |
| <input type="checkbox"/>            | US-3OA3  | US - 3 months Office Action 3 mos.                                 | Official Deadlines     | time limits |
| <input type="checkbox"/>            | US-3OA4  | US - 3 months Office Action 3 mos. + 1 mo.ext.                     | Official Deadlines     | time limits |
| <input type="checkbox"/>            | US-3OA5  | US - 3 months Office Action 3 mos. + 2 mo.ext.                     | Official Deadlines     | time limits |
| <input type="checkbox"/>            | US-3OA6  | US - 3 months Office Action 3 mos. + 3 mo.ext. - 6 mos. Final Date | Official Deadlines     | time limits |
| <input type="checkbox"/>            | US-ADVI  | US - Advisory Action received                                      | Official Deadlines     | time limits |
| <input type="checkbox"/>            | US-ALL1  | US - Allowance - Issue Fee Due in 2 mos.                           | Official Deadlines     | time limits |
| <input type="checkbox"/>            | US-ALL2  | US - Allowance - Issue Fee Due in 1 mo.                            | Official Deadlines     | time limits |
| <input checked="" type="checkbox"/> | US-ALL3  | US - Allowance - Issue Fee Due - Final Date                        | Official Deadlines     | time limits |
| <input type="checkbox"/>            | US-ALY1  | US - Allowability 1 mo. Drawing                                    | Official Deadlines     | time limits |
| <input type="checkbox"/>            | US-ALY2  | US - Allowability 2 mos. Drawing                                   | Official Deadlines     | time limits |
| <input type="checkbox"/>            | US-ALY3  | US - Allowability 3 mos. Drawing/Formality                         | Official Deadlines     | time limits |
| <input type="checkbox"/>            | US-AMEN  | US - Preliminary Amendment   | Official Deadlines     | time limits |
| <input type="checkbox"/>            | US-APL2  | US - Appeal Brief 2 mos.   | Official Deadlines     | time limits |
| <input type="checkbox"/>            | US-APL3  | US - Appeal Brief 2 mos. + 1 mo.ext.                               | Official Deadlines     | time limits |
| <input type="checkbox"/>            | US-APL4  | US - Appeal Brief 2 mos. + 2 mos.ext.                              | Official Deadlines     | time limits |
| <input type="checkbox"/>            | US-APL5  | US - Appeal Brief 2 mos. + 3 mos.ext.                              | Official Deadlines     | time limits |
| <input type="checkbox"/>            | US-APL6  | US - Appeal Brief 2 mos. + 4 mos.ext.                              | Official Deadlines     | time limits |
| <input type="checkbox"/>            | US-APPL  | US - Invention Disclosure: Application Planned Until               | Deadlines for Making   | time limits |
| <input type="checkbox"/>            | US-ASGN  | US - Assignment: All Assignments enclosed?                         | Official Deadlines     | time limits |
| <input type="checkbox"/>            | US-CHEC  | US - Status Check  | Other                  | To Do       |
| <input type="checkbox"/>            | US-COAT  | US - Continuation: File Continuation?                              | Deadlines for          | To Do       |